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NO. 16-CI-03503

JEFFERSON CIRCUIT COURT
DIVISION TEN (10)

DONNA ANN HAYES

PLAINTIFF

VS. TRANSCRIPT OF PROCEEDINGS

JULY 23, 2019

COLGATE-PALMOLIVE COMPANY,
ET AL.

DEFENDANTS

* * *

Heard before the Hon. Angela McCormick Bisig,
Judge, Jefferson Circuit Court, Division 3,
Louisville Justice Center, Louisville, Kentucky.

* * *

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I N D E X

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3 WITNESS: WILLIAM LONGO, Ph.D.

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9 WITNESS: LEE POYE

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1 at that time is that testing with those two
2 methods was the industry standard for asbestos
3 analysis at that time, and provided Scott's with a
4 reasonable basis to believe that consumer use of
5 their Libby vermiculite products did not cause any
6 significant exposure, correct?

7 A. That's what I stated, yes.

8 Q. And you also said that any
9 suggestion that some of these independent
10 laboratories, or Scott's, should have had the
11 knowledge or foresight to do further testing --
12 and I'm skipping a few words to -- with ATEM after
13 negative results with XRD and optical microscopy
14 in the 1970s is not reasonable or scientifically
15 valid, right?

16 A. That is absolutely correct, for
17 Scott's --

18 Q. Okay.

19 A. -- Fertilizer Company.

20 Q. And you also pointed out one of the
21 reasons why you thought -- now, they did not do --
22 or did not have done for them TEM work, right?

23 A. That's correct.

24 Q. Okay. And I think you believe that
25 TEM is the most sensitive method to look for

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1 asbestos in trace quantities, correct?

2 A. It is. I asked them why they did
3 not -- they relied on their outside labs. And
4 McCrone was their primary lab. McCrone didn't
5 advise them to use TEM.

6 Q. Okay. Actually what you said is,
7 "One of the problems in the 1970s was that there
8 were very few, if any, ATEMs in commercial
9 laboratories that had the appropriate technology
10 to perform accurate trace amphibole contaminant
11 analysis," right?

12 A. And that's true.

13 Q. And you said that in defending
14 Scott's -- when you said that defending Scott's,
15 did you know that McCrone had a TEM?

16 A. Yes. McCrone had a TEM and that's
17 why I asked Ian Stewart, he was retired, why they
18 never told Scott's to do TEM when they had a TEM.
19 And Ian Stewart says, "Because there was nothing
20 there. We didn't think it was necessary."

21 So you're asking a fertilizer company,
22 depending on other -- other -- other consultants
23 to be able to determine that. That's why I stated
24 when they were using PLM and XRD, they were doing
25 the appropriate analysis.

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1 STATE OF KENTUCKY

2 COUNTY OF JEFFERSON

3 I, NANCY L. NUNNELLEY, RMR, Notary Public,
4 State of Kentucky at Large, do hereby certify that
5 the foregoing deposition was taken at the time and
6 place stated in the caption; that the appearances
7 were as set forth in the caption; that prior to
8 giving their testimony the witness was first duly
9 sworn by me, that said testimony was taken down by me
10 in stenographic notes and thereafter reduced under my
11 supervision to the foregoing typewritten pages and
12 that said typewritten transcript is a true, accurate
13 and complete record of my stenographic notes so
14 taken.

15 I further certify that I am not related by
16 blood or marriage to any of the parties hereto and
17 that I have no interest in the outcome of captioned
18 case.

19 My commission as Notary Public expires July 10,
20 2023.

21 Given under my hand this the 24th day of
22 July, 2019, at Louisville, Kentucky.

23

24

25

NOTARY PUBLIC